



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,842	02/11/2002	Norihiko Kubo	03500.016178	8953

5514 7590 08/29/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
----------	--------------

2852

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,842

Applicant(s)

KUBO, NORIHIKO

Examiner

William J. Royer

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,9-17,21,22 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5,6,9-12,15,17,21,25-28 and 31 is/are allowed.
- 6) ☒ Claim(s) 13,14,16,22,29,30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 24 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

The reply filed on June 24, 2003 was not fully responsive to the prior Office Action because the following specification objections were not properly addressed:

On page 10, line 17, an arrow is identified, however, the arrow does not appear to be shown in any of the figures.

On page 11, line 1, registration rollers are identified without a reference numeral being associated with the registration rollers. It is noted that reference numeral "7" is used to identify registration rollers on at least page 10, line 23, however, applicant has deleted reference numeral "7" from Figure 1 in their proposed drawing corrections. Consequently, each instance of reference numeral "7" should be removed from the specification or reference numeral "7" and a corresponding lead line should be reinserted into Figure 1.

On page 13, line 14, it is stated that a "cleaning apparatus" has been described above. Where is it described in the specification?

On page 13, line 19, an arrow is identified, however, the arrow does not appear to be shown in any of the figures.

On page 15, line 13, reference numeral "4" is used to identify a cleaning apparatus, however, reference numeral "4" does not appear to be shown in any of the figures.

On page 20, lines 2-10, numerous components are referred to without identifying which figures the components are shown. Further, none of the components are identified by a reference numeral.

On page 20, line 22, what is meant by "fun portion"?

On page 23, line 19, reference character "B" is used to identify a curtain member, however, reference character "B" was used to identify a scraping member previously in the specification. Is the "curtain member" and the "scraping member" the same element?

On page 24, line 14, reference numeral "113" is used to identify a light source, however, reference numeral "113" does not appear to be shown in any of the figures.

On page 27, line 8, is the reference to "Fig. 4" correct? It appears that Figure 6 is being referred to, not Figure 4.

On page 28, line 17, is the reference to "Fig. 4" correct? It appears that Figure 6 is being referred to, not Figure 4.

### ***Claim Objections***

Claims 17, 29, 31 and 33-36 are objected to because of the following informalities:

Claim 17, line 10, before "toner" insert --- collected ---.

Claim 29, line 4, before "layer" insert --- said ---.

Claim 31, line 4, before "toner" insert --- collected ---.

Art Unit: 2852

Claim 33, line 6, before "toner" insert --- collected ---.

Claim 34, line 6, before "toner" insert --- collected ---.

Claim 35, line 2, change "in" to --- on ---.

Claim 35, line 9, before "toner" insert --- collected ---.

Claim 36, line 5, after "of" insert --- the ---.

Claim 36, line 9, before "toner" insert --- collected ---.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

Claims 13, 14, 16, 22, 29, 30 and 32-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13, line 2, "said layer" lacks proper antecedent basis. It is noted that if the "wherein" clause that was added to Claim 1 were added to Claim 10, "said layer" would then have proper antecedent basis.

Claim 16, lines 1-2, "said base member" lacks proper antecedent basis. It is noted that if the "wherein" clause that was added to Claim 1 were added to Claim 10, "said base member" would then have proper antecedent basis.

Claim 22, line 2, "said coating layer" lacks proper antecedent basis. If the dependency of Claim 22 were changed to "21," the "coating layer" would have proper antecedent basis.

Claim 29, line 4, "layer" lacks proper antecedent basis. It is noted that if the "wherein" clause that was added to Claim 1 were added to Claim 26, "layer" would then have proper antecedent basis.

Claim 32, lines 1-2, "said base member" lacks proper antecedent basis. It is noted that if the "wherein" clause that was added to Claim 1 were added to Claim 26, "said base member" would then have proper antecedent basis.

Claim 33, line 10, "said toner breaking member" lacks proper antecedent basis.

Claim 34, line 8, "said toner breaking member" lacks proper antecedent basis.

Claim 35, lines 8-9, "said image bearing body" lacks proper antecedent basis.

Claim 35, line 13, "said toner breaking member" lacks proper antecedent basis.

Claim 36, lines 8-9, "said image bearing body" lacks proper antecedent basis.

Claim 36, line 11, "said toner breaking member" lacks proper antecedent basis.

***Allowable Subject Matter***

Claims 1, 5, 6, 9-12, 15, 17, 21, 25-28 and 31 are allowable over the prior art of record.

Claims 13, 14, 16, 22, 29, 30 and 32-36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

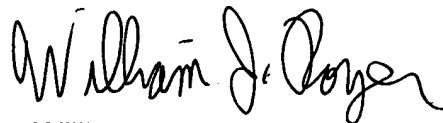
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (703) 308-

Art Unit: 2852

3127. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "William J. Royer". The signature is fluid and cursive, with the first name "William" and last name "Royer" clearly distinguishable.

William J. Royer  
Primary Examiner  
Art Unit 2852

wjr  
August 27, 2003